

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID ROBERTS,

Plaintiff,

v.

JOSH MARTINEC, in individual and official  
capacity;

Defendant.

**8:11CV129**

**ORDER**

This matter is before the court on the defendant's motion, [Filing No. 153](#) to reconsider a portion of the court's order, [Filing No. 152](#), granting the plaintiff's motion to amend the exhibit list, [Filing No. 143](#). The defendant objects to the addition to the exhibit list of a photograph taken in the plaintiff's residence. The defendant has no objection to the other amendments proposed by the plaintiff or to the additional witness. Because the defendant had not had a chance to respond to the motion, the court will reconsider its ruling with respect to the challenged exhibit and will address the issue before the commencement of trial.

IT IS ORDERED that the defendant's motion to reconsider, [Filing No. 153](#) is granted in part as set forth in this order.

DATED this 6th day of February, 2015

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge